Military Police Complaints Commission

2011–12

Departmental Performance Report

The Honourable Peter G. MacKay
Minister of National Defence

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Chairperson's Message

I am pleased to present the Military Police Complaints Commission's (the Commission) *2011-12 Departmental Performance Report*.

Established by the Government of Canada in December, 1999, the Commission provides independent civilian oversight of the Canadian Forces (CF) Military Police (MP). Its mandate is to review and investigate complaints concerning Military Police conduct and to investigate allegations of interference in Military Police investigations. The Commission reports its findings and makes recommendations directly to the Military Police and National Defence leadership, in support of greater public accountability of both the Military Police and the chain of command in relation to Military Police investigations.

The Commission successfully delivered on the priorities identified in its 2011-12 *Report on Plans and Priorities*: Improving the effectiveness and efficiency of the complaints resolution process; and to improving governance. The Commission continued to foster quality working relationships with its stakeholders and increase awareness of its mandate through its outreach activities. The Commission ensured the sound stewardship of the resources entrusted to it, even while responding to the increasingly difficult reporting and compliance required by central agencies. Impressively, since 2006, the Commission exceeded its planned target for its key indicator: 100% of its recommendations for remedial measures or improvements to Military Police policy or practice were accepted for implementation by the Canadian Forces Provost Marshal (CFPM).

2011-12 saw an important milestone as the Commission concluded the evidentiary portion of the Afghanistan Public Interest Hearing (PIH) and issued its Interim Report dated December 21, 2011. Initiated in 2008, this hearing investigated a complaint alleging that certain members of the Military Police "failed to investigate" the Canadian Task Force Commanders in Afghanistan for directing the transfer of detainees to Afghan authorities in the face of a known risk of torture. This hearing and the legal issues raised have presented the Commission and its staff with numerous challenges.

The Commission continues to be challenged by the shortage of its funds to handle large cases. To ensure continued delivery on its mandate, the Commission was required both to cash manage existing financial resources and to seek additional sources of funding for new PIHs. The Commission is pleased to note that all requests for additional funding have been approved by government allowing the Commission to fulfill its mandate.

2011-12 was an exceptional year, and while this report provides a summary of our results, it also provides evidence of the dedication of the Commission's staff. Their commitment and professionalism ensures that the Commission continues to make important contributions to ensuring quality military policing and maintaining the confidence and support of those the Military Police serve.

Glenn M. Stannard, O.O.M.
Chairperson
October 5, 2012

Section I: Organizational Overview

Raison d'être

On behalf of all Canadians, the Military Police Complaints Commission (the Commission) exists to provide greater public accountability by the Military Police (MP) and the chain of command in relation to MP activities. The Commission derives its mandate from Part IV of the *National Defence Act* (NDA).

Responsibilities

Anyone may make a complaint about the conduct of Military Police in the performance of their duties, not just those directly affected by the subject matter of the complaint. Such complaints are handled in the first instance by the Canadian Forces Provost Marshal (CFPM) and the Commission monitors the CFPM's investigations. The Commission may, at any time during a CFPM investigation, assume responsibility for the investigation or call for a public hearing (Public Interest Hearing) if the Commission deems it is in the public interest to do so. Complainants can also request the Commission review a complaint if they are not satisfied with the results of the CFPM's investigation or the final disposition of the matter.

A member of the Military Police conducting or supervising an investigation is also able to complain about improper interference encountered in the conduct of an investigation. The Commission has exclusive jurisdiction over complaints of interference.

The Commission is an independent Federal government institution as defined under Schedule 1.1 of the *Financial Administration Act*, reporting to Parliament through the Minister of National Defence (MND). As an independent oversight agency, and one of eight distinct but related organizations in the Department of National Defence (DND) Portfolio, the Commission must operate at a distance and with a degree of autonomy from government including the DND and the Canadian Forces (CF). All members of the Commission are civilians and report to the Chairperson, independent of the DND and the CF, in fulfilling their responsibilities and accountabilities in accordance with governing legislation, regulations and policies.

The Commission ensures the MP complaints process is accessible, transparent and fair to all concerned. The Commission, in its review of conduct or interference complaints, identifies and makes recommendations regarding opportunities for improvement to military policing, be it in the conduct of individual MP members or in systemic areas such as the policies and procedures that govern the conduct of all Military Police. These recommendations for change, when implemented, support the Military Police in maintaining the highest standards of professional conduct and in assuring the integrity of MP investigations. The effective discharge of the oversight activity by the Commission also provides assurance to members of the CF, and ultimately to all Canadians, that they are being served by a Military Police service of the highest quality.

Tribunal decisions and Commission operations and administration must also be, and be seen to be, free from ministerial influence other than seeking the signature of the MND, as the Minister responsible, to table the Commission's Reports on Plans and Priorities (RPP); Departmental Performance Reports (DPR); Annual Reports to Parliament; and other accountability documents such as Memoranda to Cabinet and Treasury Board Submissions.

Strategic Outcome and Program Activity Architecture

Strategic Outcome

Conduct complaints against the Military Police and interference complaints by the Military Police are resolved in a fair and timely manner and recommendations made are implemented by the Department of National Defence and/or the Canadian Forces.

Program Activities

Complaints Resolution

Internal Services

Organizational Priorities

The Commission chooses to focus its efforts on two key organizational priorities as established in its *2011-12 Report on Plans and Priorities*: Improving the effectiveness and efficiency of the complaints resolution process; and improving governance.

Summary of Progress Against Priorities

Priority	Type[1]	Strategic Outcome
Improving the effectiveness and efficiency of the complaints resolution process.	Ongoing	Conduct complaints against the Military Police and interference complaints by the Military Police are resolved in a fair and timely manner and recommendations made are implemented by the Department of National Defence and/or the Canadian Forces.
• The Commission provided recommendations to address specific and systemic issues identified in its Interim and Final Reports. 100% of the recommendations were accepted by the Canadian Forces Provost Marshal: This exceeds the 70% target set in the 2011-12 RPP.		

Priority	Type	Strategic Outcome
Improving governance.	Ongoing	Conduct complaints against the Military Police and interference complaints by the Military Police are resolved in a fair and timely manner and recommendations made are implemented by the Department of National Defence and/or the Canadian Forces.
• The Commission continued to ensure sound stewardship of the resources entrusted to it. The Commission monitored activities and readjusted priorities in order to ensure all requirements and activities were met. The Commission proactively engaged with central agencies to maximize potential efficiencies in the processes. • The Commission completed its IT modernization project, fully documenting the new system and revising its Business Continuity and IT Security Plans to reflect the new infrastructure and minimize risk. • The Commission continues to be challenged by its ongoing reference level and was required to seek support from external service providers in order to deliver on its mandate and seek additional funding which was favourably granted.		

1. Type is defined as follows: previously committed to—committed to in the first or second fiscal year prior to the subject year of the report; ongoing—committed to at least three fiscal years prior to the subject year of the report; and new—newly committed to in the reporting year of the Report on Plans and Priorities or the Departmental Performance Report.

Risk Analysis

The Commission's Corporate Risk Profile for 2011-12 identified a number of factors that could have the potential to impact on the achievement of planned results. The key risks are presented below.

Capacity and Timeliness

The Commission was challenged over the reporting period to meet intensified operational demands and satisfy increased accountability and control requirements set by central agencies for Departments and Agencies.

Compliance: In terms of the provision of internal services, as a micro-agency, the Commission has limited resources and capacity to meet increased, externally-imposed standards and policy requirements. As a result the Commission continued to engage in ongoing review and evaluation to prioritize and reallocate its resources to ensure, to the greatest degree possible, compliance with central agency expectations. The Commission also continues to require external support from a range of service providers in order to meet central agency requirements and standards in finance, human resources, security, access to information and privacy, records management, informatics, and the content and structure of the Commission's website.

Complaints Resolution: In terms of the delivery of its core program, cases referred to the Commission are increasingly complex, containing multiple allegations and resulting in a high volume of evidence requiring significant effort to review research and analyse. Investigations and hearings frequently identify multiple witnesses across Canada and abroad. The complexity of cases and level of effort that is becoming the norm created secondary issues for the Commission including contractual, procurement, delegation and logistical issues, as well as, information management issues and translation to name a few. In 2011-12, the Commission found that the average duration of investigations and the length of time required to complete Interim and Final Reports increased, resulting in an augmentation of associated costs.

Financial Resources

The Commission is not regularly resourced to conduct large, complex Public Interest Hearings (PIH) that may arise. In addition, as the PIHs the Commission conducts become more complicated, it is increasingly difficult to effectively anticipate at the outset issues such as potential media interest, difficulty accessing documents and witnesses and court challenges that may arise at any given time. These factors delay the progress of a PIH and require additional resources to manage.

As more and more of its case load falls into the above category, the Commission must regularly cash manage its operations and seek additional funds to support PIHs or exceptional cases. The process for seeking additional funds is lengthy and delays occur between approval and receipt of funding. The net result is the Commission is forced to manage reactively, regularly reassessing and realigning priorities and plans. To date, the Commission has been able to manage through rigorous cash management. It is important to note that all of the Commission's requests for

additional funding have been approved by government allowing the Commission to fulfill its mandate.

Experience in 2011-12 has further reinforced the need for the Commission to identify either additional, stable funding or a more efficient means of meeting one-time funding needs associated with complex cases if it is to continue to fulfill both operational and corporate responsibilities.

Human Resources

The Commission works with staff who may oversee numerous programs and services. With the increase in both the number and complexity of the Commission's case load and in the volume of central agency reporting and control requirements, the Commission's staff are increasingly pushed to their limits. Even with an amended organization structure and creation of new positions in critical areas such as the Registry and Information Technology, the Commission remains pressed to sustain its ability to meet the growing demands of its program and the delivery of internal services in accordance with central agency requirements.

The situation is exacerbated by difficulties that continue to be experienced in securing and retaining the appropriate staff. As a micro agency, the Commission does not have a staff member dedicated to the provision of human resources services; the Commission relies on service providers. Without internal capacity, the Commission does not always control the timing and priority of its staffing processes. Delays in staffing ads pressure on program delivery and the delivery of internal services.

The Commission continues to stress effective human resources, and to conduct an annual review of staffing files. In 2011-12, existing Commission staff took on the additional workload of vacant positions in addition to their existing responsibilities.

Legislative Risks

The Commission identified several issues within its legislative framework that present challenges to delivery of its mandate and pose potential long-term risks to its fundamental role as an oversight agency.

The main issue of concern noted in the Afghanistan PIH is the Federal government's reluctance to provide the Commission with appropriate legislative authority under the *Canada Evidence Act* to access sensitive information.

Through participation in the Second Independent Review of the NDA, the Commission identified issues in the interpretation of what constitutes a policing duty and function and offered recommendations to improve the efficiency and transparency of the complaints process.

Governor-in-Council Appointments

In addition to the Commission's own efforts to identify future Commission Members, the Commission continues to rely on the Federal government to identify, recommend and appoint full-time and part-time Governor-in-Council (GIC) members in a timely manner. During 2011-12, the Commission was challenged by vacant part-time GIC member positions and the renewal of the existing GIC members' tenures. The already heavy workload carried by Commission members continues to increase both in terms of volume and complexity.

Two part time members were appointed in December 2011, which assisted the Commission meet the demands of its increasing work load.

Summary of Performance

2011–12 Financial Resources ($millions)

Planned Spending	Total Authorities*	Actual Spending*
$ 3,508	$6,035	$4,923

Notes:

1. Variance between planned spending and total authorities was primarily the result of the requirement to seek additional funding in support of a new PIH in respect of a complaint by Mrs. Sheila and Mr. Shaun Fynes (Fynes PIH). In order to conduct the Fynes PIH, the Commission received $2.5M. The Commission requested access to $1M of the Afghanistan PIH funds as a partial source of funds for the Fynes PIH, thereby requesting only $1.5M in incremental funding ($2.5M - $1M = $1.5M) which was approved.

2. Variance between total authorities and actual spending is a result of delays in the conduct of Fynes PIH that were beyond the Commission's control.

2011–12 Human Resources (full-time equivalents [FTEs])

Planned	Actual	Difference
21	17	4

Notes:

1. The Commission continued to experience lengthy staffing processes.

Summary of Performance Tables

Progress Toward Strategic Outcome

Strategic Outcome: Conduct complaints against the Military Police and interference complaints by the Military Police are resolved in a fair and timely manner and recommendations made are implemented by the Department of National Defence and/or the Canadian Forces.		
Performance Indicators	**Targets**	**2011–12 Performance**
Recommendations resulting from investigations of conduct or interference complaints are accepted by the Department of National Defence and/or the Canadian Forces.	70%	100%
Investigations of conduct or interference complaints are resolved within targeted timeframes as established by the Commission Chair.	70%	100%
70% of individual members who receive remedial measures and/or improvements were made to Military Police policies and practices pursuant to investigations of conduct or interference complaints.	70%	100%
Number of presentations given.	10	13

Performance Summary, Excluding Internal Services

Program Activity	**2010–11 Actual Spending**	**2011–12 ($millions)**				**Alignment to Government of Canada Outcome**
		Main Estimates	**Planned Spending**	**Total Authorities***	**Actual Spending***	
Complaints Resolution	$2,288	$ 2,105	$2,105	$4,360	$2,715	Maintaining safe and secure communities in Canada and abroad

Performance Summary for Internal Services

Program Activity	**2010–11 Actual Spending**	**2011–12 ($millions)**			
		Main Estimates	**Planned Spending**	**Total Authorities***	**Actual Spending***
Internal Services	$2,134	$1,403	$1,403	$1,675	$2,208

Strategic Environmental Assessment

During 2011–12 the Commission monitored its activities against the *Cabinet Directive on the Environmental Assessment of Policy, Plan and Program Proposals*. The Commission did not have any reports concerning this Directive.

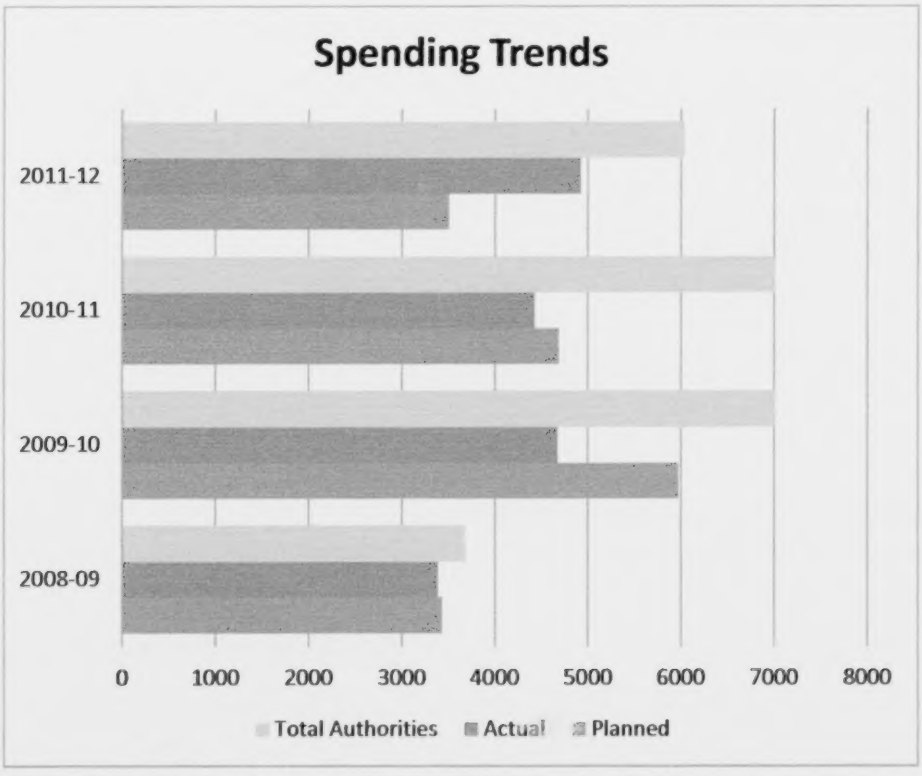
Expenditure Profile

The Commission is a micro-agency. Operating out of Ottawa, it currently has 21 FTEs and a program budget of $3.5 million allocated to its regular operations and has been operating at this level since fiscal year 2006-2007.

Since 2008 the Commission has sought additional funding on an as required basis to support the incremental effort needed for the caseload, increased policy requirements, and conduct of complex investigations and PIHs. All requests for additional funding were favourably granted.

Once a PIH has been initiated, the issues that may arise, the sequence of events, and the overall time frame become difficult to predict or control. Parties may seek adjournments, launch legal challenges, encounter availability issues etc. It is very difficult to predict the total cost and cash flow for a particular PIH, and of course each PIH is different.

The chart below shows the Commission's spending trends over a four year period and illustrates both the impact of the establishment of a PIH and the difficulty in managing a PIH strictly to planned spending. The years from 2009-10 to 2011-12 reflect increased spending authority as a result of the Afghanistan PIH, while the current year reflects the impact of the Fynes PIH as noted above.



Estimates by Vote

For information on the Military Police Complaints Commission's organizational Votes and/or statutory expenditures, please see the Public Accounts of Canada 2012 (Volume II). An electronic version of the Public Accounts 2012 is available on the Public Works and Government Services Canada's website.

Section II: Analysis of Program Activities by Strategic Outcome

Strategic Outcome

Conduct complaints against the Military Police (MP) and interference complaints by the MP are resolved in a fair and timely manner and recommendations made are implemented by the Department of National Defence (DND) and/or the Canadian Forces (CF).

Program Activity: Complaints Resolution

This program aims to successfully resolve complaints about the conduct of the Military Police members as well as complaints of interference with MP investigations by overseeing and reviewing all complaints received. This program is necessary to help the Military Police to be as effective and as professional as possible in their policing duties and functions.

Conduct Complaints

The Canadian Forces Provost Marshal (CFPM) is responsible for dealing with complaints about MP conduct in the first instance. The Commission has the authority to monitor the steps taken by the CFPM as it responds to complaints, and to intervene as required.

Conduct Complaints Process

Conduct Complaint Filed

Anyone may make a conduct complaint regarding the Military Police in the performance of their policing duties or functions, including individuals not directly affected by the subject matter of the complaint. Such complaints are initially dealt with by the CFPM. Informal resolution is encouraged.

Complaint Investigated by the Canadian Forces Provost Marshal

As the CFPM investigates a complaint, the Commission monitors the process. At the conclusion of the investigation, the CFPM provides a copy of the Report of Findings and Actions to the Commission. The Commission may at any time during the CFPM investigation, assume responsibility for the investigation or call a public hearing if it is deemed to be in the public interest to do so.

Request for Review

Complainants can request the Commission review the complaint if they are not satisfied with the results of the CFPM's investigation or disposition of the complaint.

Commission Reviews Complaint

At a minimum, this process involves a review of documentation related to the CFPM's investigation. Most often, it also includes interviews with the complainant, the subject of the complaint, and witnesses, as well as reviews of relevant legislation and police policies and procedures.

Commission Releases Interim Report

At the completion of the review, the Chairperson forwards the Interim Report to the Minister of National Defence (MND), the Chief of Defence Staff (CDS) and the CFPM setting out the findings and recommendations regarding the complaints.

Notice of Action

The Notice of Action is the official response by the CF to the Interim Report and it outlines what action, if any, has been or will be taken in response to the Commission's recommendations.

Commission Releases Final Report

After considering the Notice of Action, the Commission issues a Final Report of findings and recommendations. The Final Report is provided to the MND, the Deputy Minister (DM), the CDS, the Judge Advocate General (JAG), the CFPM, the complainant and the subject of the complaint, as well as anyone who has satisfied the Commission that they have a direct and substantive interest in the case.

Interference Complaints

The Commission has the exclusive authority to deal with interference complaints. Any member of the Military Police who conducts or supervises an investigation and believes a member of the CF or a senior official of the DND has interfered with, or attempted to influence a MP investigation, may file a complaint with the Commission. This process recognizes the special situation of the MPs, who are both peace officers and members of the CF subject to military command.

Interference Complaints Process

Interference Complaint Filed

Members of the Military Police who conduct or supervise investigations may complain about interference in their investigations.

Commission Investigates

The Commission has sole jurisdiction to investigate interference complaints. A preliminary review is conducted to determine whether an investigation should be commenced, the scope of the investigation and how to approach the investigation. Once this is completed, the Commission commences an investigation.

Commission Releases Interim Report

The Interim Report includes a summary of the Commission's investigation, as well as its findings and recommendations. This report goes to the MND; the CDS if the alleged interference was carried out by a member of the military or to the DM if the subject of the complaint is a senior official of the DND; the JAG; and the CFPM.

Notice of Action

This official response to the Interim Report indicates the actions, if any, which have been or will be taken to implement the Commission's recommendations.

The Commission Releases Final Report

Taking into account the response in the Notice of Action, the Commission prepares a Final Report of its findings and recommendations in the case. The Final Report is provided to the MND; the DM; the CDS; the JAG; the CFPM; the complainant and the subject(s) of the complaint, as well as anyone who has satisfied the Commission that they have a direct and substantive interest in the case.

Conduct and Interference Complaints

The complaints resolution process results in Interim and Final Reports containing findings and recommendations which identify opportunities for individual or systemic improvements, where required. Conduct and interference complaint cases reviewed by the Commission represent the widest possible range and complexity involving legislative, policy, procedural, training, supervision and other issues.

Recommendations, when implemented, are designed to improve the quality of policing which, in turn, will contribute to maintaining the confidence and support of those the Military Police serve.

Public Interest Investigations and Hearings

At any time when it is in the public interest, the Chairperson may initiate an investigation into a complaint about police conduct or interference in a police investigation. If warranted, the Chairperson may decide to hold a public hearing. In exercising this statutory discretion, the Chairperson considers a number of factors including, among others:

1. Does the complaint involve allegations of especially serious misconduct?

2. Do the issues have the potential to affect confidence in the Military Police or the complaints process?
3. Does the complaint involve or raise questions about the integrity of senior military or DND officials, including senior Military Police members?
4. Are the issues involved likely to have a significant impact on MP practices and procedures?
5. Has the case attracted substantial public concern?

2011–12 Financial Resources ($thousands)

Planned Spending	Total Authorities*	Actual Spending*
$ 2,400	$4,359	$2,715

Notes:

1. The discrepancy between planned and total authorities is due to the approval of funds for the Fynes PIH. The discrepancy between total authorities and actual spending is due delays in the Fynes PIH.

2011–12 Human Resources (full-time equivalents [FTEs])

Planned	Actual	Difference
9	8	1

Notes:

1. The Commission has a small core staff responsible for its operations, including legal counsel, registry and information management employees. During the conduct of a PIH, it must complement its staff with addition resources such as investigators, additional legal counsel, court reporters, simultaneous translation, etc.

Program Activity Performance Summary

Expected Results	Performance Indicators	Targets	Actual Results
To successfully resolve complaints about the conduct of Military Police members, as well as complaints of interference with Military Police investigations, by overseeing and reviewing all complaints received. This program is necessary to help the Military Police be as effective and as professional as possible in their policing duties	Recommendations resulting from investigations of conduct or interference complaints are accepted by the Department of National Defence and/or the Canadian Forces.	70% of the recommendations accepted	100%
	Investigations of conduct or interference complaints are resolved within targeted time frames as established by the Commission Chair.	70% resolved within targeted time frames	100%
	70% of individual	70% of	100%

Expected Results	Performance Indicators	Targets	Actual Results
and functions.	members receive remedial measures and/or improvements were made to Military Police policies and practices pursuant to investigations of conduct or interference complaints.	recommendations implemented	
Presentations given on the mandate, role and responsibilities of the Commission	Number of presentations given.	10	13

Performance Summary and Analysis of Program Activity

The complaints resolution process includes research, monitoring, planning, conducting investigations and hearings and reporting of results.

The Commission continued to experience an increase in its case load, with 2011-12 being one of the busiest years in the Commission's history. The table below illustrates this trend:

	2008-09	2009- 10	2010-11	2011-12
Conduct Complaints Carried Over	N/AV*	N/AV	N/AV	26
New Conduct Complaints	42	42	46	43
Interference Complaints Carried Over	N/AV	N/AV	N/AV	2
New Interference Complaints	0	1	4	5
Reviews Carried Over	N/AV	N/AV	N/AV	4
New Reviews	8	7	4	9
Public Interest Investigations/Hearings s. 250.38 Carried Over	2	4	1	2
New Public Interest Investigations/Hearings s. 250.38	3	0	1	0
Judicial Proceedings Carried Over (e.g. Judicial Review)	N/AV	N/AV	N/AV	1
New Judicial Proceedings (e.g. Judicial Review)	3	2	3	0
No of General Files open (Request for information / Outside Jurisdiction of MPCC and Others)	28	49	42	49
Interim Reports	9	6	6	12
Final Reports	8	11	7	8
Recommendations	26	30	7	31
Percentage of Recommendations Accepted	100%	100%	100%	100%

*Not available

Because the Commission does not control the number, the complexity or the timing of the complaints it receives, it must be able to increase its operational capacities with very little advance notice while maintaining control over the costs of investigations. To maximize its flexibility, the Commission continued to examine potential options to enhance its investigative capacity in order to further strengthen organizational sustainability. It also continued to use its roster of contract investigators to facilitate matching the type of complaint with investigation

requirements and investigator skill sets. Existing billing practices and a fee structure established for investigators minimize costs and prevent downtime.

While the Commission sought to ensure the conduct of investigations and hearings in accordance with the schedule set by the Chairperson for each matter, strict adherence to the critical path was not always possible due to a variety of factors beyond the Commissions control, such as deployments, witness unavailability, competing priorities or the complexity of investigations. Weekly case status meetings were held by operations staff to stay current with evolving timelines and mitigate against significant schedule slippage.

Highlight: Afghanistan Public Interest Hearing and related Federal Court proceedings

Since 2008 the Commission has been investigating a complaint alleging that certain Military Police members failed to investigate the Canadian Task Force Commanders in Afghanistan for directing the transfer of detainees to Afghan authorities in the face of a known risk of torture.

Over the years, the complaint has been the subject of significant media and public attention and has required extraordinary effort and resources. Delays in document production and problems with access to witnesses contributed to a lengthier time frame than originally anticipated.

Despite the conclusion of the evidentiary portion of the Afghanistan PIH in February 2011, three judicial review applications against the Commission were pending in Federal Court. The first application sought to set aside a documentary summons. The second and third applications related to interlocutory decisions by the Commission addressing the standard of conduct against which the subjects of the "failure to investigate" complaint would be judged, and the test the Commission would apply when determining whether the subject MPs had the "means of knowing" about the risks of mistreatment of Afghanistan detainees.

On September 29, 2011, Justice de Montigny dismissed the three applications for judicial review.

The Commission subsequently issued its Interim report dated December 21, 2011.

Highlight: *National Defence Act* – Reform

The Commission has an important role to play in providing input with respect to Government of Canada initiatives within the Defence portfolio.

The Commission provided a brief to the Standing Committee on National Defence outlining its concerns with respect to Bill C-15, *The Strengthening Military Justice in Defence of Canada Act*. Bill C-15 was tabled in the House of Commons on October 7, 2011. It proposes a number of amendments to the *National Defence Act* primarily related to the military justice system for the CF. One provision of the Bill of concern to the Commission relates to the proposed authority of the Vice Chief of the Defence Staff (VCDS) to direct MP investigations: s.18.5 (3) (in Clause 4). The Commission regards this proposal as highly problematic as it is inconsistent with the existing VCDS – CFPM Accountability Framework and may undermine the independence of MP investigations from the CF chain of command. The Commission submitted its brief on outlining its concerns on October 26, 2011.

The Commission also submitted a comprehensive brief to the Second Independent Review authority for the NDA, on June 23, 2011. The Second Independent review was conducted in accordance with amendments made to the Act by Bill C-25, including important amendments concerning the military justice system, the CF grievance process and the MP complaints process. The Commission's brief focused on four areas within its sphere of expertise: the scope of MP oversight; the Commission's access to information under the *Canada Evidence Act*; fair and efficient procedures, and MP independence.

Highlight: New PIH commenced

On April 29, 2011, the Chairperson made the decision to launch a Public Interest Investigation into the conduct of the Military Police investigations related to the death of Corporal Stuart Langridge following a complaint filed by his parents, Mrs. Sheila and Mr. Shaun Fynes. Corporal Langridge committed suicide on March 15, 2008 at Canadian Forces Base/Area Support Unit Edmonton.

Preliminary review of the documentary materials and interview with the complainants led the Chairperson to conclude that the nature of the issues raised in this complaint made the holding of a PIH not only warranted in the public interest, but necessary in order to investigate this complaint properly. The PIH was announced September 6, 2011 and hearings commenced March 27, 2012.

Lessons Learned

The Commission continues to learn and strengthen its operational experience, especially through collaboration with partners and stakeholders. The Outreach Program is a key element in stakeholder engagement. Outreach initiatives to the MP community at CF bases as well as through specific courses at the MP Academy provide a valuable opportunity to increase transparency and to enhance the Commission's understanding of the many demands on Military Police members. Following each session, the Commission integrates valuable feedback into Commission programs which further strengthens its approach to conduct and interference investigations.

Program delivery is increasingly challenged by the complexity of the matters coming before the Commission and by delays in process due to difficulties with the volume of disclosure, access to key documents and witnesses, and Federal Court challenges.

Program Activity: Internal Services

Internal Services are groups of related activities and resources that are administered to support the needs of programs and other corporate obligations of an organization. These groups are: Management and Oversight Services; Communications Services; Legal Services; Human Resources Management Services; Financial Management Services; Information Management Services; Information Technology Services; Real Property Services; Materiel Services; Acquisition Services; and Travel and Other Administrative Services. Internal Services include

only those activities and resources that apply across an organization and not to those provided specifically to a program.

Through its Internal Services, the department contributes to the following target areas of Theme IV (Shrinking the Environmental Footprint – Beginning with Government) of the Federal Sustainable Development Strategy (FSDS): green procurement, e-waste, managed print, paper consumption, green meetings.

2011–12 Financial Resources ($thousands)

Planned Spending	Total Authorities*	Actual Spending*
$ 2,000	$1,675	$2,207

Notes

1. The Commission experienced a shortfall in its actual spending against its planned spending. This resulted primarily from the need to engage additional resources in support of the Fynes PIH, including additional legal resources, court reporters, translators etc. While these costs are associated with increased program requirements, they are recorded against internal services.

2011–12 Human Resources (full-time equivalents [FTEs])

Planned	Actual	Difference
12	9	3

Program Activity Performance Summary

Expected Results	Performance Indicators	Targets	Actual Results
IT Modernization	% of IT Modernization implemented	100%	100%
Planned management reviews are completed	# of management reviews completed	2	5
Review and update of the policy suite completed	% of policy suite review and updated	100%	100%
Human resource strategy and learning plans	Number of employees with learning plans	100%	100%

Performance Summary and Analysis of Program Activity

In accordance with its 2011-12 Report on Plans and Priorities, the Commission completed its IT modernization project, moving from an obsolete infrastructure to one that is more cost effective and efficient. The Commission successfully implemented VM ware, dropping from three (3) server racks to one (1) and from nine (9) servers to one (1) VM ware server.

The Commission continued to maintain its risk management framework and conducted management or business reviews based on the high risk elements identified in the framework. In 2011-12, the following internal reviews were conducted:

- Policy on Internal Controls: A Phase I gap analysis was initiated to determine the level of compliance with the *Policy on Internal Controls* and other relevant government policies and directives.

- Library Services: A Phase II implementation plan was created to review the library bound or paper-based collection gap including the review of the use of the collection of books against publications available and accessible on the internet and in other legal databases.

- Electronic Document Management: Consistent with the IM and IT management reviews, a Phase II implementation plan has begun to identify an electronic document management solution that will best meet the requirements of all areas of Commission operations including information, records, litigation / case management, and Privacy and Access to Information systems.

- Staffing Files: As per the normal scheduled cycle, the Commission initiated a staffing management review in 2010-11 which continued into 2011-12. This scheduled review examined compliance, trends, and file management and the results are used to ensure all staffing actions are managed and administered in accordance to the legislation and delegation of authorities.

The Commission concluded its review and update of its policy suite, updating it to reflect a number of changes in its operating environment, including the full implementation of integrated planning, enhanced controls in procurement, requirements under the *Policy on Green Procurement*, implementation of an Investment Plan and the expansion of the Commission's information technology evergreening program to include capital and other assests.

The Commission ensured that all its employees had learning plans in place to support both individual career development aspirations and address the future needs of the organization. Learning plans are especially critical in a micro agency, where internal development opportunities are limited and employees are often counted upon to perform multiple and varied roles.

Highlight: Core Control Audit

During the current reporting period, the Commission participated in a Core Control audit by the Office of the Comptroller General. The audit examined all transactions, records, and processes conducted by the Commission from April 1, 2010 to March 31, 2011, with the exception of pay administration, in order to determine the extent to which core controls result in compliance with key requirements contained in the corresponding legislation, policies, and directives. The audit concluded in February 2012 and the report of findings and an action plan to address issues raised is noted for consideration in 2012-13.

Lessons Learned

Planning and reporting demands have increased significantly, challenging the Commission's staff to meet policy requirements and standards set by central agencies. As a micro agency the Commission has limited resources and capacity to meet increased, externally-imposed standards and policy requirements. With a relatively flat organizational structure, the Commission's staff must be relied upon to undertake a variety of different roles, all while having limited opportunity for internal advancement. As a result, on an ongoing basis, the Commission evaluated and prioritized how best to apply its resources to ensure compliance with central agency expectations. The Commission continued to access private and government resources for the cost-effective delivery of human resources, access to information and privacy, records management and informatics and web services.

As part of its implementation of integrated planning, the Commission stresses effective human resources planning including anticipating potential staff turnover, developing staffing strategies to help ensure that knowledge is retained and that vacancies are filled as quickly as possible. The Commission has identified the need for new staff in order to cope with its increased caseload and corporate responsibilities.

Section III: Supplementary Information

Financial Highlights

The charts presented below clearly illustrate the increased cost of the Commission's operations which have risen by 8% over the previous year. This reflects not only the increased need to outsource resources in support of program delivery and corporate services, but also the increased cost of Commission staff as a result of Treasury Board negotiated collective agreement settlements.

Condensed Statement of Financial Position (Unaudited)
As at March 31, 2012
($thousands)

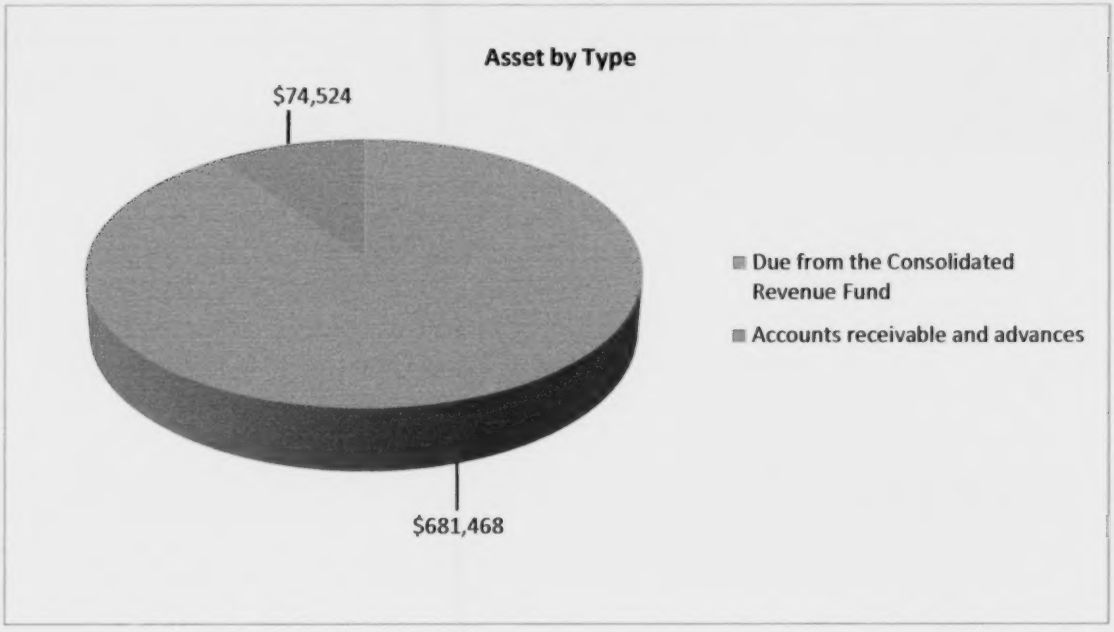
	Change $	2011–12	2010–11
Total net liabilities	(4%)	$1,023	$1,067
Total net financial assets	(16%)	$758	$900
Departmental net debt	(58%)	($265)	($167)
Total non-financial assets	(28%)	$121	$167
Departmental net financial position	(144%)	($144)	$0

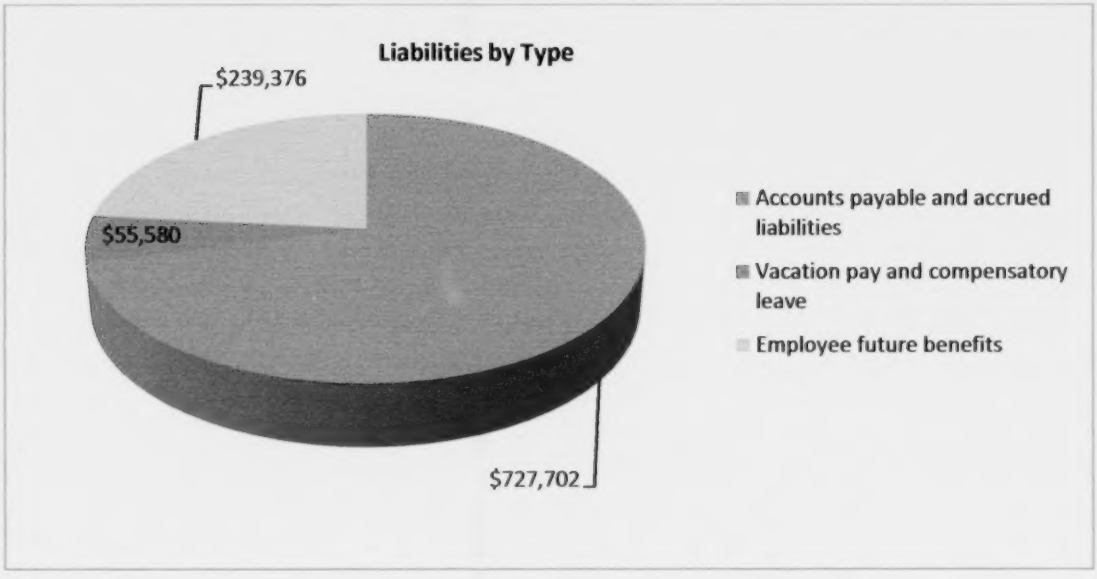
Condensed Statement of Operations and Departmental Net Financial Position (Unaudited)
For the Year Ended March 31, 2012
($thousands)

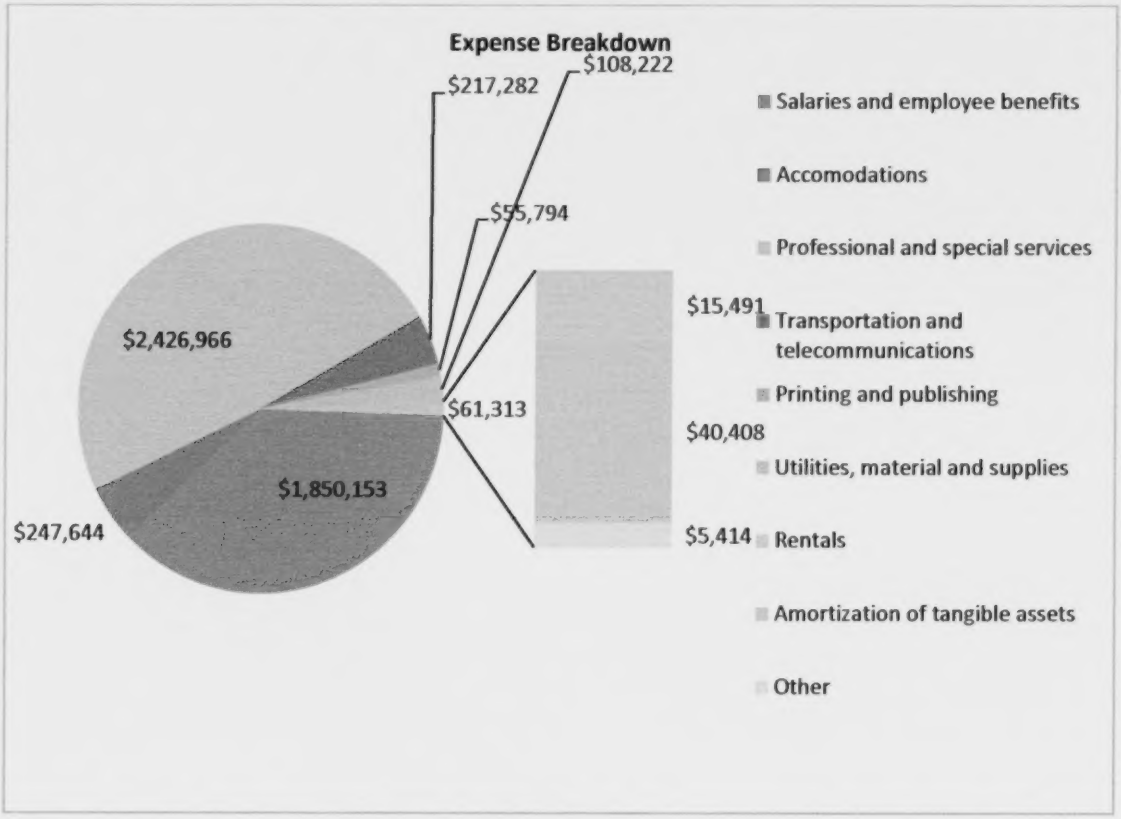
	Change %	2011–12	2010–11
Total expenses	8%	$4,967	$4,607
Total revenues	0	$0	$0
Net cost of operations before government funding and transfers	8%	$4,967	$4,607
Departmental net financial position	1%	($146)	($167)

Financial Highlights—Charts and Graphs

The following charts illustrate the breakdown of our assets, liabilities and expenses for 2011-12.







Financial Statements

The financial highlights presented within this DPR are intended to serve as a general overview of the Commission's financial position and operations. The Commission financial statements can be found on its website at: http://www.mpcc-cppm.gc.ca/300/300-eng.aspx.

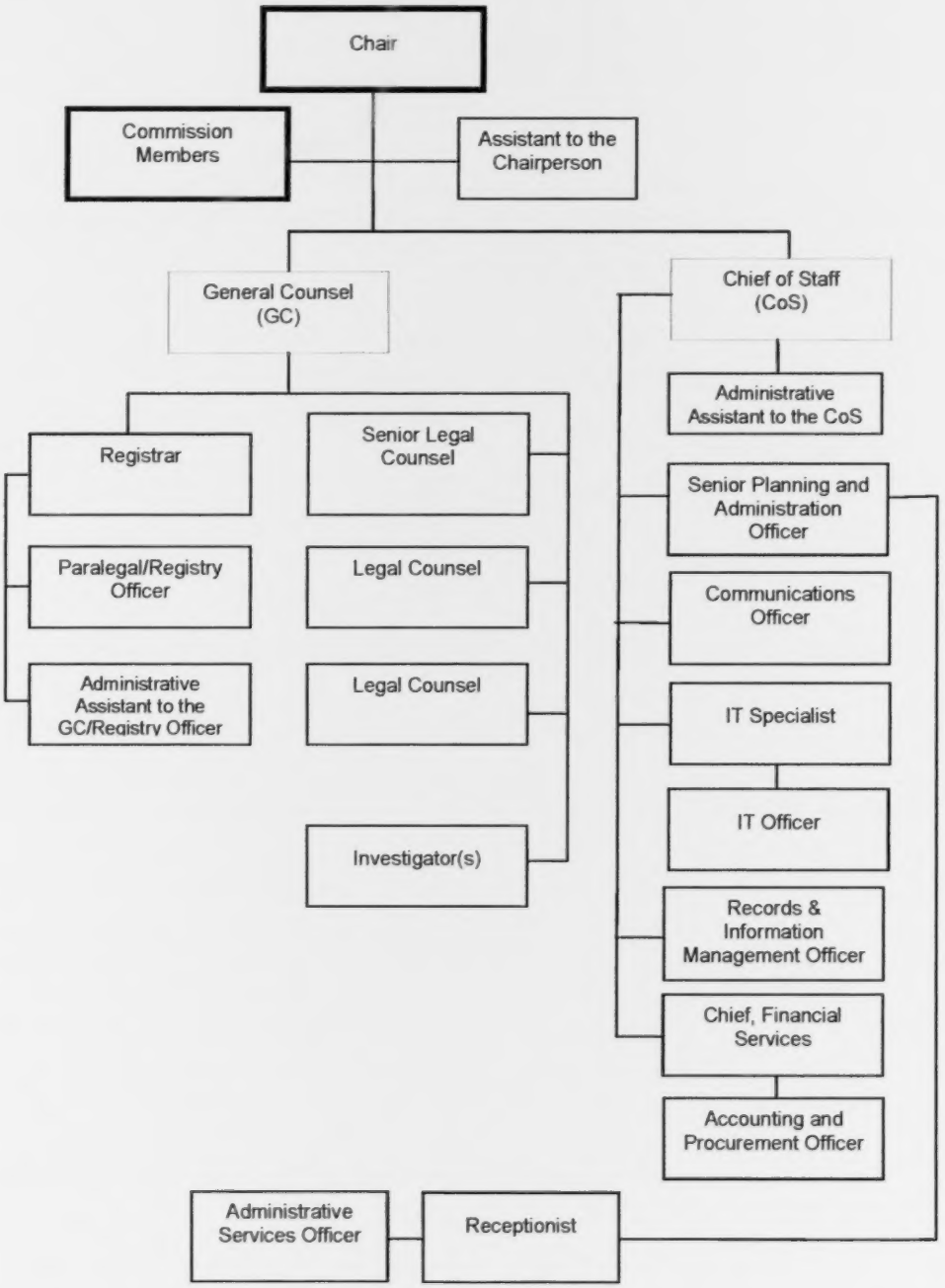
List of Supplementary Information Tables

Electronic supplementary information tables listed in the 2011–12 Departmental Performance Report can be found on the Military Police Complaints Commission website at: http://www.mpcc-cppm.gc.ca/300/300-eng.aspx.

- Greening Government Operations

Section IV: Other Items of Interest

The following organizational chart represents the Commission in relation to the restructuring of its program activities



Organizational Contact Information

How to reach the Commission

- Call our information line:

  (613) 947-5625 or toll free at 1-800-632-0566

- Send us a fax:

  (613) 947-5713 or toll free at 1-877-947-5713

- Send us a letter:

  Military Police Complaints Commission

  270 Albert Street, 10th Floor

  Ottawa, ON K1P 5G8

- Visit us at the above address for a private consultation – appointments are recommended

- E-mail us:

  commission@mpcc-cppm.gc.ca

- Visit our website:

  www.mpcc-cppm.gc.ca

- Media inquiries:

  (613) 944-9349 or e-mail media@mpcc-cppm.gc.ca